

~~June 17, 2003 CPC~~

July 23, 2003 BS



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

03SN0264

Chesterfield County Board of Supervisors

Clover Hill Magisterial District
Off north line of Duckridge Boulevard

REQUEST: Conditional Use Planned Development to permit exceptions to Ordinance requirements.

PROPOSED LAND USE:

The Zoning Ordinance permits screened or open porches and decks to encroach into the required setback areas. Once enclosed, these additions must meet principal building setbacks. Several dwellings within the ninety-three (93) lot development of Lakepointe Subdivision contained screened porches which were later converted into enclosed additions, such as Florida rooms, in violation of these required setbacks. This request would reduce the setback requirement for all lots within this development, thereby legalizing the setback for these enclosed porches which are currently in violation and eliminating similar setback problems caused by the enclosure of screened porches for other lots within the subdivision.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL SUBJECT TO THE CONDITION ON PAGE 2.

STAFF RECOMMENDATION

Recommend approval for the following reason:

Providing a FIRST CHOICE Community Through Excellence in Public Service.

The recommended condition provides for adequate separation of dwelling units, thereby protecting against overcrowding of the development, consistent with the intent of the Ordinance setback requirements.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNERS MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

CONDITION

(STAFF/CPC)

Rear Yards. Each lot shall have a rear yard of not less than twenty-five (25) feet except that when the rear lot line of a lot abuts recorded open space containing a minimum width adjacent to the lot of ten (10) feet, then the rear yard of such lot may be reduced to fifteen (15) feet. (P)

GENERAL INFORMATION

Location:

Located off the north line of Duckridge Boulevard and is known as Lakepointe Subdivision. Tax IDs 722-672-2248, 2450, 2553, 2757, 2960, 3162, 3345, 3543, 3742, 3767, 4068, 4139, 4255, 4369, 4437, 4556, 4736, 4770, 4857, 5134, 5171, 5348, 5358, 5372, 5432, 5630, 5646, 5659, 5873, 5944, 5960, 6174, 6375, 6763, 6898, 6995, 7065, 7090, 7149, 7184, 7187, 7351, 7367, 7652, 7769, 7971, 8055, 8272, 8299, 8357, 8491, 8588, 8658, 8786, 8961, 9082, 9179, 9263, 9376, 9396, 9464, 9594, 9691, 9888 and 9967; 722-673-6800, 6908, 7110, 7313, 8016, 8417, 8500, 8702, 8717, 9315, 9513 and 9812; 723-672-0085, 0168, 0282, 0470, 0872, 0899, 1074, 1096, 1294, 1376, 1490, 1687 and 1885; and 723-673-0308, 0405 and 0603 (Sheet 15).

Existing Zoning:

R-TH

Size:

6.8 acres

Existing Land Use:

Residential townhomes

Adjacent Zoning and Land Use:

North, East, South and West – R-TH; Open space (recorded as part of Lakepointe Subdivision)

UTILITIES; ENVIRONMENTAL; AND PUBLIC FACILITIES

The requested amendment will have no impact on these facilities.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for a mix of residential and office uses.

Area Development Trends:

Property to the east is zoned Residential (R-9) and is developed as the Southshore Subdivision. Properties to the south are zoned Community Commercial (C-3) and are occupied by commercial and multi-family developments. The Swift Creek Reservoir borders the subject property to the north. This portion of the Hull Street Road Corridor is characterized by commercial, office and multi-family uses located along Hull Street Road, transitioning to residential uses north and south of the corridor.

Zoning History:

On October 28, 1987, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved a rezoning from Agricultural (A) and General Business (C-3) to Residential Townhouse (R-TH) (Case 87SN0110). Subsequently, a ninety-three (93) lot townhouse development known as Lakepointe Subdivision was recorded.

On March 7, 2001 and April 4, 2001, the Board of Zoning Appeals denied a total of three (3) Variance applications to permit rear yard setback exceptions for the conversion of existing screened porches into enclosed rooms on three (3) lots within the Lakepointe Development (Cases 01AN0182, 01AN0183 and 01AN0196). The Board of Zoning Appeals noted that these cases presented no hardship or unique circumstances to support granting these setback exceptions.

Subsequent to consideration of these Variance cases, a complaint was registered with the Planning Department relative to the enclosure of several screened porches in the Lakepointe Subdivision that violated Ordinance setbacks. The County investigated and identified ten (10) structures in violation of these setback

requirements. Nine (9) of these ten (10) property owners indicated an interest in pursuing an exception to maintain these enclosed additions. The tenth property owner elected to restore the structure as a screened porch. In lieu of filing a separate zoning application for each affected lot or pursuing one (1) application with the consent of all ninety-three (93) property owners within the development, these nine (9) affected property owners requested that the Board of Supervisors initiate this request, subject to these same property owners paying the application fee. As a result of the Board initiating this application, the requested setback exception would be uniformly applied to all lots within the development for both existing and proposed structures.

Building Setbacks:

Currently, within the Residential Townhouse (R-TH) District, a twenty-five (25) foot rear yard setback is required for principal buildings. Structures such as porches or carports that are open on three (3) sides may extend into this required yard not more than ten (10) feet. Consistent with a purpose of the Ordinance, the open structure continues to permit the passage of light and air and protects against the overcrowding of improvements within the development.

The development of Lakepointe Subdivision occupies approximately 19.4 acres, 12.6 acres of which is recorded as open space and recreation areas. Within a development of this size, current Ordinance standards would require only 5.8 acres of combined open space and recreation areas.

The Ordinance currently requires the provision of common area, a minimum of five (5) feet in width, adjacent to all groups of lots except where groups front or abut a public street. The rear yards for the majority of the lots within the Lakepointe Development are adjacent to open space areas well in excess of ten (10) feet in width, with the majority of lots backing up to the project's open space edges in lieu of other lots. Therefore, the provision of open space, a minimum of ten (10) feet in width, adjacent to units with reduced building setbacks, would maintain adequate separation between buildings. (Condition)

CONCLUSIONS

The proposed zoning is for the purpose of legalizing the existing improvements that do not currently comply with requirements of the Ordinance. The recommended condition provides for adequate separation of dwelling units, thereby protecting against overcrowding of the development.

Given these considerations, approval of this request is recommended.

CASE HISTORY

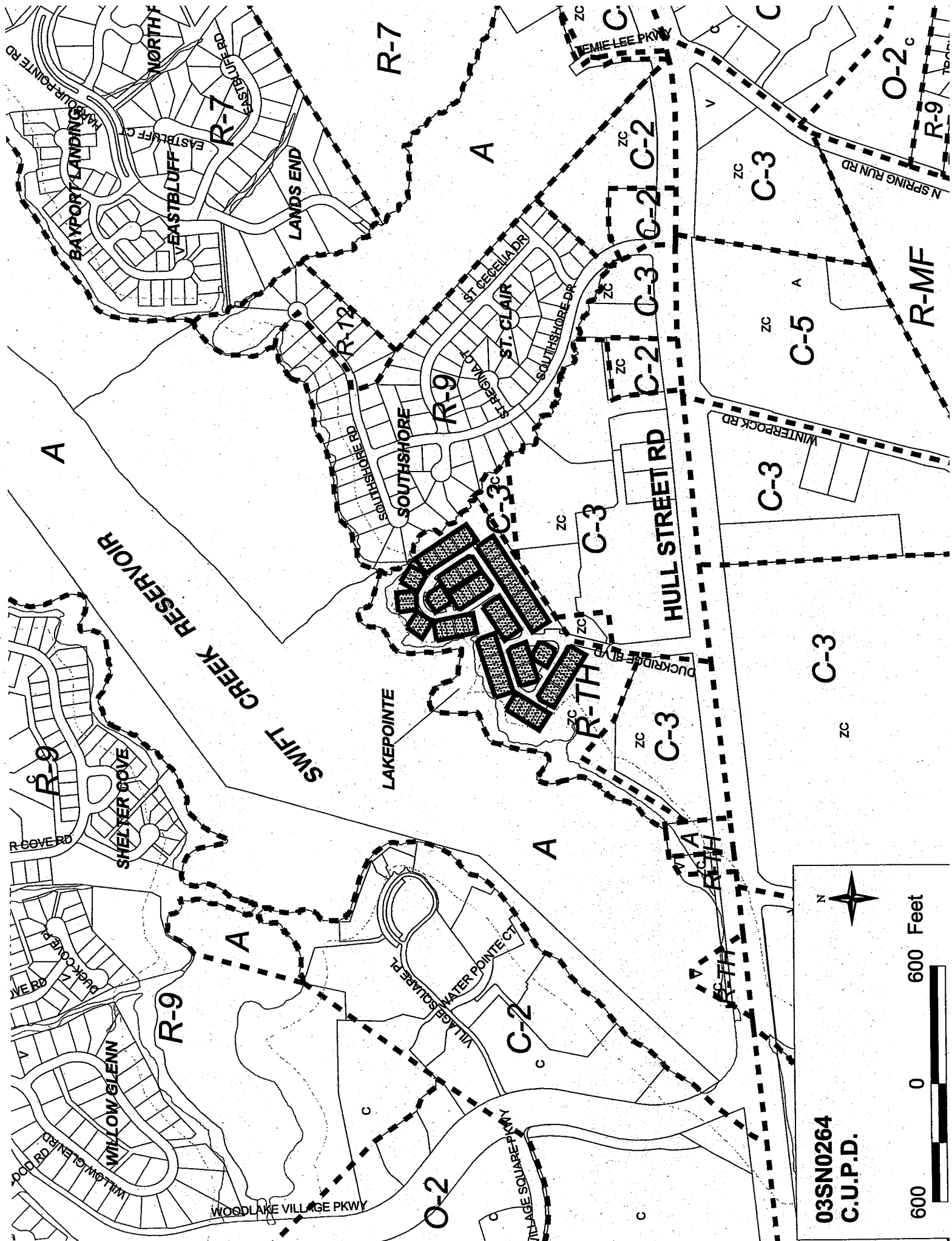
Planning Commission Meeting (6/17/03):

The applicant accepted the recommendation. There was no opposition present.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission recommended approval of this request subject to the Condition on page 2.

AYES: Unanimous.

The Board of Supervisors, on Wednesday, July 23, 2003, beginning at 7:00 p.m., will take under consideration this request.



03SN0264
C.U.P.D.